UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,886	10/15/2003	Christopher A. Rygaard	1010722-991141	7560

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FISH & RICHARDSON P.C.		MORAN, RANDAL D
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MINNEAPOLIS, MN 55440-1022	ART UNIT	PAPER NUMBER
	2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/686,886	RYGAARD, CHRISTOPHER A.
	Examiner	Art Unit	
	Randal D. Moran	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 October 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _15 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-SB/08)
  Paper No(s)/Mail Date _See Continuation Sheet_

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/1/2004, 3/22/2004, and 2/14/2005.

DETAILED ACTION

1.   The Information Disclosure Statements filed on 3/1/2002, 3/22/2004, and

2/14/2005 have been considered by the examiner.

2.   Claims 1-23 are pending in the application.

Claim Objections

3.   The following claims are objected to for lack of antecedent basis.

a.)   **Claim 2- line 3, Claim 3- line 26, Claim 4- line 4, Claim 6- lines 2-3,**

Claim 7- line 2, Claim 8- line 3, Claim 13- line 3, Claim 15- line 3, Claim

16, line 2, Claim 17- lines 2 and 4, Claim 18- lines 2 and 4, Claim 21-

line 3, Claim 22- lines 2, 3, and 4, and Claim 23- line 4 recite the

limitation "the piece of code." "The piece of code from the database"

would make the claim less ambiguous.

Drawings

4.   Figures 1-2 should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to

avoid abandonment of the application. The replacement sheet(s) should be

labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as

not to obstruct any portion of the drawing figures. If the changes are not accepted

by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not

be held in abeyance.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jansen et al. (NIST Special Publication 800-19 – Mobile Agent Security), hereafter

"Jansen" in view of **Walsh (US 6,233,601).**

7.   Jansen is cited by the applicant in IDS paper filed on 2/14/2005.

7.   Considering **Claim 1,** Jansen discloses a computer implemented jumping

application security console (Section 3.2- Integrity, lines 1-5) that maintains the

security of a jumping application that is jumping between one or more hosts

connected to the security console (Figure 1, Section 4.2 – Protecting Agents, ¶ 3

lines 4-6), the security console comprising: a security module that controls the

security of a jumping application (Section 4.1 – Protecting the agent platform,

lines 1-27).

Jansen does not disclose a database that contains one or more pieces of code

and a description of each piece of code, wherein each piece of code implements

a particular behavior; and wherein the security module further comprises

instructions that replace code from the jumping application that implements a first

behavior with a piece of code from the database into the jumping application that

implements the first behavior.

Walsh does disclose a database that contains one or more pieces of code and a

description of each piece of code (column 2, lines 23-25, column 4, lines 25-28

and 37-38), wherein each piece of code implements a particular behavior

(column 4, lines 64-67, column 5, lines 1-5); and wherein the security module

further comprises instructions that replace code from the jumping application that

implements a first behavior with a piece of code from the database into the

jumping application that implements the first behavior (column 4, lines 37-38,

column 8, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teachings of Jansen by a

database containing code that will replace code on the jumping application as

taught by Walsh for the benefit of having a home code base that will provide the

desired code to the jumping application. Having the necessary code on the

jumping system would reduce the network load and provide for a more efficient

system.

8.   Considering **Claim 5,** Jansen discloses a computer implemented jumping

application security console (Section 3.2- Integrity, lines 1-5) that maintains the

security of a jumping application that is jumping between one or more hosts

connected to the security console (Figure 1, Section 4.2 – Protecting Agents, ¶ 3

lines 4-6), the security console comprising: means for controlling the security of a

jumping application (Section 4.1 – Protecting the agent platform, lines 1-27).

Jansen does not disclose means for storing one or more pieces of code and a

description of each piece of code, wherein each piece of code implements a

particular behavior; and wherein the security controlling means further comprises

means for replacing code from the jumping application that implements a first

behavior with a piece of code from the database into the jumping application that

implements the first behavior.

Walsh does disclose means for storing one or more pieces of code and a

description of each piece of code (column 2, lines 23-25, column 4, lines 25-28

and 37-38), wherein each piece of code implements a particular behavior

(column 4, lines 64-67, column 5, lines 1-5); and wherein the security controlling

means further comprises means for replacing code from the jumping application

that implements a first behavior with a piece of code from the database into the

jumping application that implements the first behavior (column 4, lines 37-38,

column 8, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teachings of Jansen by a

database containing code that will replace code on the jumping application as

taught by Walsh for the benefit of having a home code base that will provide the

desired code to the jumping application. Having the necessary code on the

jumping system would reduce the network load and provide for a more efficient

system.

9.   Considering **Claim 9,** Jansen discloses a computer-implemented method for

controlling the security of a jumping application in a jumping application system

(Figure 1, Section 4.2 – Protecting Agents, ¶ 3 lines 4-6, Section 3.2- Integrity,

lines 1-5).

Jansen does not disclose receiving a request for a piece of code that implements

a particular behavior for a jumping application; and replacing code in the jumping

application that implements the particular behavior with a piece of code that

implements the particular behavior into the jumping application so that the

jumping application has the particular behavior when it is executed by a host in

the jumping application system.

Walsh does disclose receiving a request for a piece of code that implements a particular behavior for a jumping application (column 4, lines 30-35); and replacing code in the jumping application that implements the particular behavior with a piece of code that implements the particular behavior into the jumping application so that the jumping application has the particular behavior when it is executed by a host in the jumping application system (column 4, lines 37-38, column 8, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jansen by a database containing code that will replace code on the jumping application as taught by Walsh for the benefit of having a home code base that will provide the desired code to the jumping application. Having the necessary code on the jumping system would reduce the network load and provide for a more efficient system.

10.   Considering **Claim 14,** Jansen discloses a jumping application security system (Section 3.2- Integrity, lines 1-5), comprising: a security console computer system that control the security of a jumping application in the jumping application security system (Section 4.1 – Protecting the agent platform); one or more host computers connected to the first computer by a computer network (Figure 1), wherein each host computer executes a jumping application (Figure 1).

Jansen does not disclose the console further comprises a database that contains one or more pieces of code and a description of each piece of code, wherein each piece of code implements a particular behavior; and a security module that comprises instructions that replace code from the jumping application that implements a first behavior with a piece of code from the database into the jumping application that implements the first behavior.

Walsh does disclose the console further comprises a database that contains one or more pieces of code and a description of each piece of code (column 2, lines 23-25, column 4, lines 25-28 and 37-38), wherein each piece of code implements a particular behavior (column 4, lines 64-67, column 5, lines 1-5); and a security module that comprises instructions that replace code from the jumping application that implements a first behavior with a piece of code from the database into the jumping application that implements the first behavior (column 4, lines 37-38, column 8, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jansen by a database containing code that will replace code on the jumping application as taught by Walsh for the benefit of having a home code base that will provide the desired code to the jumping application. Having the necessary code on the jumping system would reduce the network load and provide for a more efficient system.

11.   Considering **Claim 20,** Jansen discloses a server computer for a jumping

application security system (Section 4.2 – Protecting Agents, ¶ 3 lines 4-6).

Jansen does not disclose the server comprising: a processor; a memory

connected to the processor; a database connected to the processor that contains

one or more pieces of code and a description of each piece of code, wherein

each piece of code implements a particular behavior; and wherein the memory

further comprises instructions that replace code from the jumping application that

implements a first behavior with a piece of code from the database into the

jumping application that implements the first behavior.

Walsh does disclose the server comprising: a processor; a memory connected to

the processor (column 4, lines 25-28); a database connected to the processor

that contains one or more pieces of code and a description of each piece of code

(column 2, lines 23-25, column 4, lines 25-28 and 37-38), wherein each piece of

code implements a particular behavior (column 4, lines 64-67, column 5, lines 1-

5); and wherein the memory further comprises instructions that replace code

from the jumping application that implements a first behavior with a piece of code

from the database into the jumping application that implements the first behavior

(column 4, lines 37-38, column 8, lines 32-36).

        Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teachings of Jansen by a

database containing code that will replace code on the jumping application as

taught by Walsh for the benefit of having a home code base that will provide the

desired code to the jumping application. Having the necessary code on the

jumping system would reduce the network load and provide for a more efficient

system.

12.   Considering **Claims 2, 6, 10, 15, and 21,** Jansen does not disclose the

instructions that replace code further comprises instructions that remove any

existing code in the jumping application and then instructions that insert the piece

of code that implements the particular behavior into the jumping application.

Walsh does disclose the instructions that replace code further comprises

instructions that remove any existing code in the jumping application and then

instructions that insert the piece of code that implements the particular behavior

into the jumping application (column 4, lines 37-38, column 8, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teachings of Jansen by

instructions that will replace code on the jumping application as taught by Walsh

for the benefit of having a home code base that will provide the desired code to

the jumping application. Having the necessary code on the jumping system

would reduce the network load and provide for a more efficient system.

13.   Considering **Claims 3, 7, and 16,** Jansen does not disclose the security module

further comprises instructions for receiving a request for a piece of code, by a

host, that implements a particular behavior for a jumping application.

Walsh does disclose the security module further comprises instructions for receiving a request for a piece of code, by a host, that implements a particular behavior for a jumping application (column 4, lines 30-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jansen by instructions for receiving a request for a piece of code that implements a particular behavior as taught by Walsh for the benefit of having a home code base that will provide the desired code to the jumping application. Having the necessary code on the jumping system would reduce the network load and provide for a more efficient system.

14.   Considering **Claims 4, 8, 13, 19, and 23,** Jansen discloses instructions that store a list of the code removed from the jumping application (Section 4.1.2 – Safe Code Interpretation, ¶ 2 lines 7-13).

Jansen does not disclose the instructions to replace the code further comprises instructions that remove the code from the jumping application and instructions that insert the piece of code into the jumping application based on the list of code removed from the jumping application.

Walsh does disclose the instructions to replace the code further comprises instructions that remove the code from the jumping application (column 4, lines 30-35), and instructions that insert the piece of code into the jumping application

based on the list of code removed from the jumping application (column 4, lines 37-38, column 8, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jansen by instructions for removing code from the jumping application and inserting code based on the list as taught by Walsh for the benefit of having a home code base that will provide the desired code to the jumping application. Having the necessary code on the jumping system would reduce the network load and provide for a more efficient system.

15.   Considering **Claim 11,** Jansen does not disclose receiving the request further comprises generating a query, by a host to a security console, of the pieces of code contained in a database of the security console and selecting, by the host, the piece of code to be replaced in the jumping application.
Walsh does disclose the request further comprises generating a query, by a host to a security console, of the pieces of code contained in a database of the security console and selecting, by the host, the piece of code to be replaced in the jumping application (column 6, lines 49-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jansen by generating a query to gather the piece of code from the database as taught by Walsh for the benefit of having a home code base that will provide the desired code to the

jumping application. Having the necessary code on the jumping system would

reduce the network load and provide for a more efficient system.

16.   Considering **Claim 12,** Jansen does not disclose the replacing the code further

comprises downloading the piece of code to the host in response to the selection

of the piece of code by the host and inserting the piece of code, by the host, into

the jumping application to implement the particular behavior.

Walsh does disclose the replacing the code further comprises downloading the

piece of code to the host in response to the selection of the piece of code by the

host and inserting the piece of code, by the host, into the jumping application to

implement the particular behavior (column 6, lines 49-62).

        Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teachings of Jansen by

downloading the piece of code to the host computer in response to the selection

of the piece of code by the host and instructions on the host computer that insert

the piece of code into the jumping application to implement the particular

behavior as taught by Walsh for the benefit of having a the code readily available

and not on the mobile system. Having the necessary code on the jumping

system would reduce the network load and provide for a more efficient system.

17.   Considering **Claim 17,** Jansen does not disclose the instructions that receive a

request further comprises instructions on the host computer that generate a

query of the pieces of code contained in a database of the security console and

instructions on the host computer that select the piece of code to be replaced in

the jumping application.

Walsh does disclose the instructions that receive a request further comprises

instructions on the host computer that generate a query of the pieces of code

contained in a database of the security console (column 6, lines 49-52); and

instructions on the host computer that select the piece of code to be replaced in

the jumping application (column 4, lines 30-35).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teachings of Jansen by generating

a query to gather the piece of code from the database as taught by Walsh for the

benefit of having a home code base that will provide the desired code to the

jumping application. Having the necessary code on the jumping system would

reduce the network load and provide for a more efficient system.

18.   Considering **Claims 18 and 22,** Jansen does not disclose the instructions that

replace the code further comprises instructions that download the piece of code

to the host computer in response to the selection of the piece of code by the host

and instructions on the host computer that insert the piece of code into the

jumping application to implement the particular behavior.

Walsh does disclose the instructions that replace the code further comprises

instructions that download the piece of code to the host computer in response to

the selection of the piece of code by the host and instructions on the host

computer that insert the piece of code into the jumping application to implement

the particular behavior (column 6, lines 49-52).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teachings of Jansen by

downloading the piece of code to the host computer in response to the selection

of the piece of code by the host and instructions on the host computer that insert

the piece of code into the jumping application to implement the particular

behavior as taught by Walsh for the benefit of having a the code readily available

and not on the mobile system. Having the necessary code on the jumping

system would reduce the network load and provide for a more efficient system.

Conclusion

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Randal D. Moran whose telephone number is 571-270-

1255. The examiner can normally be reached on M-F: 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randal D. Moran

/RDM

1/16/06

N. ElHady

NABIL M. EL-HADY
SUPERVISORY PATENT EXAMINER